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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/719,674

11/21/2003

Joshua D. Hug

REAL-2006053

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02/16/2010

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EXAMINER

JOHNSON, CARLTON

ART UNIT

PAPER NUMBER

2436

MAIL DATE

DELIVERY MODE

02/16/2010

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/719,674</p>	<p>Applicant(s) HUG, JOSHUA D.</p>	
	<p>Examiner CARLTON V. JOHNSON</p>	<p>Art Unit 2436</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 1-6, 8-19, 34-39, 41-52, 54, 56-61.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Nasser Moazzami/
Supervisory Patent Examiner, Art Unit 2436

/Carlton V. Johnson/
Examiner, Art Unit 2436

Response to Arguments

Amendments to Claims will not be entered:

- Amendments to Claim 1 change the scope of Claims 2 – 6 and 8 - 19.
- Amendments to Claim 34 change the scope of Claims 35, 36, 38, 39, 41 - 43 and 45 - 48.
- Amendments to Claim 49 change the scope of Claims 50 - 52, 54 and 56 - 61.

Examiner Position:

Arguments were not persuasive in overcoming the currently rejected claims.

Applicant discloses an internal integrity hash including an external integrity hash in addition to a key. (Remarks Page 10, Lines 33-34)

The structures claimed by Applicant are well known structures (a hash, digital rights information, inaccessible keys, processing of encryption or clear text information). These are well known concepts. There is nothing novel about these concepts.

Claims 2 - 4, 8 - 9, 11 - 19 31, 35 - 36, 38 - 39, 41 - 42, 45 - 48, 50 - 52, 54, 56 - 57, and 59 - 61 depend from rejected independent Claims 1, 34 and 49 and are also rejected. Claims 5, 6, 10, 32 - 33, 43 and 48 depend from rejected independent Claims 1 and 34 and are also rejected.

Note: Claims 32 and 33 appear to have been cancelled.

A 103 rejection based on multiple references is a legitimate technique according to the MPEP. The current application is rejected based on the Nonaka, Hardy, and Hall, Thoma prior art references. The set of prior art references are in a same field of endeavor as the claimed invention, generation of a hash value from a set of parameters. A 103 rejection allows portions of a claimed invention to come from different prior art references. The set of prior art references disclose the set of integrated claim limitations.

Hardy prior art discloses the generation of a hash consisting of a previously generated hash and an encryption key. (see Hardy col. 10, lines 56-64: combines the digest H, with signer's private key; concatenate two values; hash generated from a hash and a private encryption key) Applicant's invention discloses a second hash (external integrity hash) consisting of a previously generated hash (internal integrity hash). The cited prior art discloses an analogous structure, a hash within a hash. The clear forms rights information is disclosed as included within the initial hash and included within the resultant second hash. The Hall prior art discloses the usage of clear form rights information plus the protection and security of data integrity using a cryptographic hash. (see Hall col. 2, lines 7-14; col. 6, lines 12-16; col. 6, lines 28-32: digital rights management; col. 6, lines 19-28: clear form storage of digital rights information, integrity hash) Hall prior art discloses a hash of clear rights information. And, Hardy prior art discloses a hash within a hash. Hall and Hardy prior art combination discloses a hash of clear rights information that is integrated within another hash.

Nonaka prior art discloses the capability to detect whether tampering has occurred but a comparison of a current hash and a base hash value. (see Nonaka paragraph [0246], lines 4-8: comparison of hash values to detect tampering) Nonaka prior art discloses an apparatus for encryption functions with cryptographic key capabilities and a license (resource, device) key. (see Nonaka paragraph [0019], lines 7-11: data processing apparatus; paragraph [0339], lines 2-6: attached host CPU, client, apparatus, license (device) key)

Chase prior art discloses the capability to disable content. (see Chase col. 3, lines 60-63: usage request; col. 4, lines 10-16; col. 33, lines 54-56; col. 33, lines 60-63; col. 34, lines 4-9: content compromised such as tampering, access to content disabled)

Hardy prior art discloses the generation of a hash consisting of a previously generated hash and an encryption key. (see Hardy col. 10, lines 56-64: combines the digest H, with signer's private key; concatenate two values; hash generated from a hash and a private encryption key)

Hall prior art discloses the generation and usage of clear form rights information plus the protection and security of data integrity using a cryptographic hash. (see Hall col. 2, lines 7-14; col. 6, lines 12-16; col. 6, lines 28-32: digital rights management; col. 6, lines 19-28: clear form storage of digital rights information, integrity hash) And, the Thoma prior art is used to disclose and reject the inaccessible device key limitation. (see Thoma paragraph [0005], lines 1-3: content distribution; paragraph [0031], lines 15-21; paragraph [0033], lines 5-9; paragraph [0033], lines 11-12: inaccessible key)